

# INTEGRATED MATERIALS PERFORMANCE EVALUATION PROGRAM

## QUESTIONNAIRE

State of Maine

Reporting Period: November 2, 2002 to October 13, 2006

Note: If there has been no change in the response to a specific question since the last IMPEP questionnaire, the State or Region may copy the previous answer if appropriate. Please note that previous IMPEP questionnaire responses can be found on the STP webpage.

### **A. COMMON PERFORMANCE INDICATORS**

#### **I. Technical Staffing and Training**

1. Please provide the following organization charts, including names and positions:
  - (a) A chart showing positions from Governor down to Radiation Control Program Director; **SEE ATTACHMENT A**
  - (b) A chart showing positions of current radiation control program including management; and **SEE ATTACHMENT B**
  - (c) Equivalent charts for sealed source and device, low level radioactive waste and uranium recovery programs, if applicable **NOT APPLICABLE**
2. Please provide a staffing plan, or complete a listing using the suggested format below, of the professional (technical) person-years of effort applied to the agreement or radioactive material program by individual. Include the name, position, and, for Agreement States, the fraction of time spent in the following areas: administration, materials licensing & compliance, emergency response, LLW, U-mills, other. If these regulatory responsibilities are divided between offices, the table should be consolidated to include all personnel contributing to the radioactive materials program. Include all vacancies and identify all senior personnel assigned to monitor work of junior personnel. If consultants were used to carry out the program's radioactive materials responsibilities, include their efforts. The table heading should be:

NAME	POSITION	AREA OF EFFORT	%FTE
Jay Hyland	Program Manager (SE III)	Administration(x-ray, non-ionizing etc.)	50
		Low Level Waste	10
		Radioactive Materials	40
Shawn Seeley	Rad Materials Inspector (ES III)	Radioactive Materials	100
Wayne Malloch	Rad Materials Inspector (ES III)	Radioactive Materials	100
Tom Hillman	LLW Inspector (AEE)	Low Level Waste	100

3. Please provide a listing of all new professional personnel hired since the last review, indicate the degree(s) they received, if applicable, and additional training and years of experience in health physics, or other disciplines, if appropriate.

**Response: There have been no changes in the materials section since the last review.**

4. Please list all professional staff who have not yet met the qualification requirements of license reviewer/materials inspection staff (for NRC, Inspection Manual Chapter (IMC) 1246; for Agreement States, please enclose a copy of your qualification and training procedure. If you do not have a written procedure please describe your qualification requirements for materials license reviewers and inspectors). For each, list the courses or equivalent training/experience they need to attend and a tentative schedule for completion of these requirements.

**Response: Tom Hillman will become cross-trained as a materials inspector and license reviewer. He attended the Inspection Procedures course but did not pass the first time in September 2000. The scheduled retake in September 2001 was canceled and he finally attended the course the week of September 16, 2002. Once he has attended the required courses and completed the required training outlined in IMC 1246, then he will be approved as an authorized radioactive materials license reviewer and inspector. Mr. Hillman is currently on a one year sabbatical with the US Army.**

5. Please identify the technical staff who left the Agreement State/Regional DNMS program during this period.

**RESPONSE: None**

6. List the vacant positions in each program, the length of time each position has been vacant, and a brief summary of efforts to fill the vacancy. **Response: Not Applicable**
7. Does the Agreement State program have an oversight board or committee which provides direction to the program and is composed of licensees and other members of the public? If so, please describe the procedures used to avoid a conflict of interest. **Response: Yes, the Program has an Advisory Committee on Radiation that is appointed by the Governor. The Committee makes recommendations to the Commissioner of Health and Human Services and furnishes advice that is requested by the department on matters relating to the regulation of all sources of radiation.**

## II. Status of Materials Inspection Program

8. Please identify individual licensees or categories of licensees the State/Region is inspecting more or less frequently than called for in IMC 2800, and state the reason for the difference. **Response: List provided on arrival. NOTE: Some of the inspection frequencies are the old NRC inspection frequencies, circa 1992. At the time that Maine became an Agreement State we made all of our inspection frequencies part of the rules. This was due to the fact that a fee was associated with the activity. In August of 1997 we went to an annual fee for funding the program that was dependent upon the type of licensed activity and removed the inspection frequencies from the rules. This gave us the option to decrease our frequencies to the present NRC frequencies, though we have chosen to not do that yet, since we believe that a more active inspection program is an asset to the overall program mission. A full listing with all program areas will be provided at the review. This chart incorporates the changes made with IMC Chapter 2800 issued 9/28/05.**

9. Please provide for the review period, the number of Priority 1, 2, and 3 inspections as identified in IMC 2800 that were completed, and the number of initial inspections that were completed. **Response: Provided on arrival.**
10. Please submit a table, or a computer printout, that identifies inspections of Priority 1, 2, and 3 licensees, and initial inspections that are presently overdue or which were conducted at intervals that exceed the IMC 2800 frequencies over the course of the entire review period. (See STP Procedure SA-101, *Reviewing the Common Performance Indicator, Status of Materials Inspection Program*, for detailed guidance in preparing this information). **Response: Provided on arrival.**

At a minimum, the list should include the following information for each inspection that is overdue or conducted overdue during the review period:

- (1) Licensee Name
- (2) License Number
- (3) Priority
- (4) Last inspection date or license issued date if initial inspection
- (5) Date Due
- (6) Date Performed
- (7) Amount of Time Overdue
- (8) Date inspection findings issued

11. If you have any overdue inspections, do you have an action plan for completing them? If so, please describe the plan or provide a written copy with your response to this questionnaire. **Response: At the time of the review there are 2 inspections that are overdue. These are 2 small and remote hospitals. These facilities will be inspected by the time of the MRB.**
12. Please provide the number of reciprocity licensees that were candidates for inspection per year as described in NRC IMC 1220, and the number of candidate reciprocity inspections that were completed each year during the review period.

Priority	Number of Licensees Granted Reciprocity Permits Each Year		Number of Licensees Inspected Each Year	
Service Licensees performing teletherapy and irradiator source installations or changes	2003	2	2003	2
	2004	1	2004	1
	2005	1	2005	1
	2006	2	2006	1
1	2003	2	2003	2
	2004	0	2004	0
	2005	2	2005	0
	2006	1	2006	1
2				
3	2003	2	2003	0
	2004	0	2004	0
	2005	2	2005	0
	2006	3	2006	0
4				
All Other	2003	8	2003	0
	2004	4	2004	2
	2005	6	2005	2
	2006	4	2006	3

**Please note: Most of our category 3's are actually considered category 5's by NRC.**

III. Technical Quality of Inspections

13. What, if any, changes were made to your written inspection procedures during the reporting period? **Response: Only those changes associated with security (PG and IC) related info or changes made to the IMC 2800.**
14. Prepare a table showing the number and types of supervisory accompaniments made during the review period. Include:

Inspector	Supervisor	License Cat.	Date
Seeley	Hyland	02110	4/18/2002
Malloch	Hyland	03121	8/7/2003 (attempted)
Malloch	Hyland	02300	3/6/2004 (attempted)
Seeley	Hyland	01120	3/9/2004
Seeley	Hyland	22120/01100	3/17/2005
Malloch	Hyland	02121	6/9/2006
Seeley	Hyland	03223	6/27/2006

15. Describe internal procedures for conducting supervisory accompaniments of inspectors in the field. **Response: Supervisory accompaniments have been conducted though no specific procedure exists to dictate how it is conducted. Appendix B of Procedure SA-102 is used to document supervisory accompaniments. Supervisory reviews of inspections are expected to be conducted yearly of all radioactive materials inspectors.**
16. Describe or provide an update on your instrumentation, methods of calibration and laboratory capabilities. Are all instruments properly calibrated at the present time? Were there sufficient calibrated instruments available through the review period? **Response: See attached sheet for a list of instruments. Instruments are sent to a licensed entity for re-calibration and/or repair. There are a sufficient number of instruments available and all are properly calibrated**

IV. Technical Quality of Licensing Actions

17. How many specific radioactive material licenses does the Program regulate at this time? **Response: 130 specific licensees, 112 general licensees**
18. Please identify any major, unusual, or complex licenses which were issued, received a major amendment, were terminated, decommissioned, submitted a bankruptcy notification or renewed in this period. Also identify any new or amended licenses that now require emergency plans. **Response: None**
19. Discuss any variances in licensing policies and procedures or exemptions from the regulations granted during the review period. **Response: No variances or exemptions from the regulations were requested during the review period.**
20. What, if any, changes were made in your written licensing procedures (new procedures, updates, policy memoranda, etc.) during the reporting period? **Response: Updates in any procedures were made in response to changes of NRC regulations and/or requirements. All our licensing procedures mirror the NRC procedures to decrease development time on the Maine staff including a checklist is still utilized during the inspection. We have developed all our checklists to mirror the NUREG 1556 series guidance.**
21. Identify by licensee name, license number and type, any renewal applications that have been pending for one year or more. Please indicate why these reviews

have been delayed. **Response: Boralex Stratton, Lic# 07707, Fixed Gauge, licensee and Agency have attempted to contact each other to no avail. A routine inspection will be scheduled in late 2006 and will be addressed at that time with the licensee.**

V. Responses to Incidents and Allegations

22. For Agreement States, please provide a list of any reportable incidents not previously submitted to NRC (See STP Procedure SA-300, Reporting Material Events for additional guidance, OMB clearance number 3150-0178). The list should be in the following format: **Response: None**
23. During this review period, did any incidents occur that involved equipment or source failure or approved operating procedures that were deficient? If so, how and when were other State/NRC licensees who might be affected notified? For States, was timely notification made to NRC? For Regions, was an appropriate and timely PN generated? For Agreement States, was information on the incident provided to the agency responsible for evaluation of the device for an assessment of possible generic design deficiency? Please provide details for each case. **Response: Yes, we had one licensee that was in possession of radioactive materials without a license. This case involved the USNRC Region 1 office, the State of New Hampshire and the Commonwealth of Massachusetts. The respective Agencies were contacted within a few hours of notification of the event. This triggered reactive inspections in all 3 jurisdictions as well as Maine.**
24. Identify any changes to your procedures for handling allegations that occurred during the period of this review. **Response: No changes made during the review period.**

VI. General

25. Please prepare a summary of the status of the State's or Region's actions taken in response to the comments and recommendations following the last review. Provide the results of any program audits (including self audits) completed during the review period. **Response: None**
26. Provide a brief description of your program's strengths and weaknesses. These strengths and weaknesses should be supported by examples of successes, new initiatives, problems or difficulties which occurred during this review period.

**Response:**

**Strengths: We feel our strengths are those of any Agreement State, timeliness, and closeness to the regulated community being the biggest. We also feel that since the former senior materials inspector (Jay Hyland) is now the program manager that he has a keen sense of the important issues of the NRC Agreement State Program. We have a relatively young staff, which could promote long-term stability and ensure consistency for an extended period of time. We currently have 2 individuals who are FEMA and DOE radiological trainers certified to train emergency responders and others in radiological monitoring and emergency preparedness.**

**Weaknesses: Due primarily to the size of the program the loss of even one trained individual has a significant effect on the program. When a new person is hired we need preferential treatment for training**

course attendance from the NRC. We intend to pay for our training and travel and have budgeted accordingly. There is one additional weakness related to the staff size and our own desire to meet the NRC training standards. That is with the frequency that the training courses are offered it may, depending on the individual hired, be 10 to 16 months before we have a new person trained to the standard. We are presently hoping for an individual with a significant amount of radiation safety experience. Additionally any large and complex licensing actions, large scale training efforts, and excessive resource needs related to 9/11/01 or decommissioning, take a significant amount of time and staff effort.

**B. NON-COMMON PERFORMANCE INDICATORS**

**I. Legislation and Program Elements Required for Compatibility**

27. Please list all currently effective legislation that affects the radiation control program.

**Response: Radiation Protection Statutes 22 MRSA§ 661-690**

28. Are your regulations subject to a "Sunset" or equivalent law? If so, explain and include the next expiration date for your regulations. **Response: NO**

29. Please review and verify that the information in the enclosed State Regulation Status sheet is correct. For those regulations that have not been adopted by the State, explain why they were not adopted, and discuss actions being taken to adopt them. **Response: all regulations that have needed promulgation have been done. There are currently 4 RATS ID numbers (2004-1, 2005-1, 2005-2, and 2006-1) which are now being placed on the docket for a rulemaking to begin in the fall of 2006.**

If legally binding requirements were used in lieu of regulations, please describe their use. **Response: Legally binding requirements were implemented via license condition for the IC Orders issued in November 2005.**

30. If you have not adopted all amendments within three years from the date of NRC rule promulgation, briefly describe your State's procedures for amending regulations in order to maintain compatibility with the NRC, showing the normal length of time anticipated to complete each step. **Not Applicable**

**II. Sealed Source and Device Program**

31. Prepare a table listing new and amended (including transfers to inactive status) SS&D registrations of sealed sources and devices issued during the review period. The table heading should be:

**Response: Not Applicable**

32. What guides, standards and procedures are used to evaluate registry applications? **Response: NRC License/review guides and procedures.**

33. Please include information on the following questions in Section A, as they apply to the Sealed Source and Device Program:

**Response: Jay Hyland and Shawn Seeley have attended the NRC's Sealed Source and Device course/workshop and are authorized to perform SS&D reviews, although no reviews have been conducted to date.**

III. Low-Level Radioactive Waste Disposal Program

34. Please include information on the following questions in Section A, as they apply to the Low-Level Radioactive Waste Disposal Program:

Technical Staffing and Training - Questions 1-7

Status of Materials Inspection Program - Questions 8-11

Technical Quality of Inspections - Questions 13-16

Technical Quality of Licensing Actions - Questions 17-21

Responses to Incidents and Allegations - Questions 22-24

IV. Uranium Recovery Program

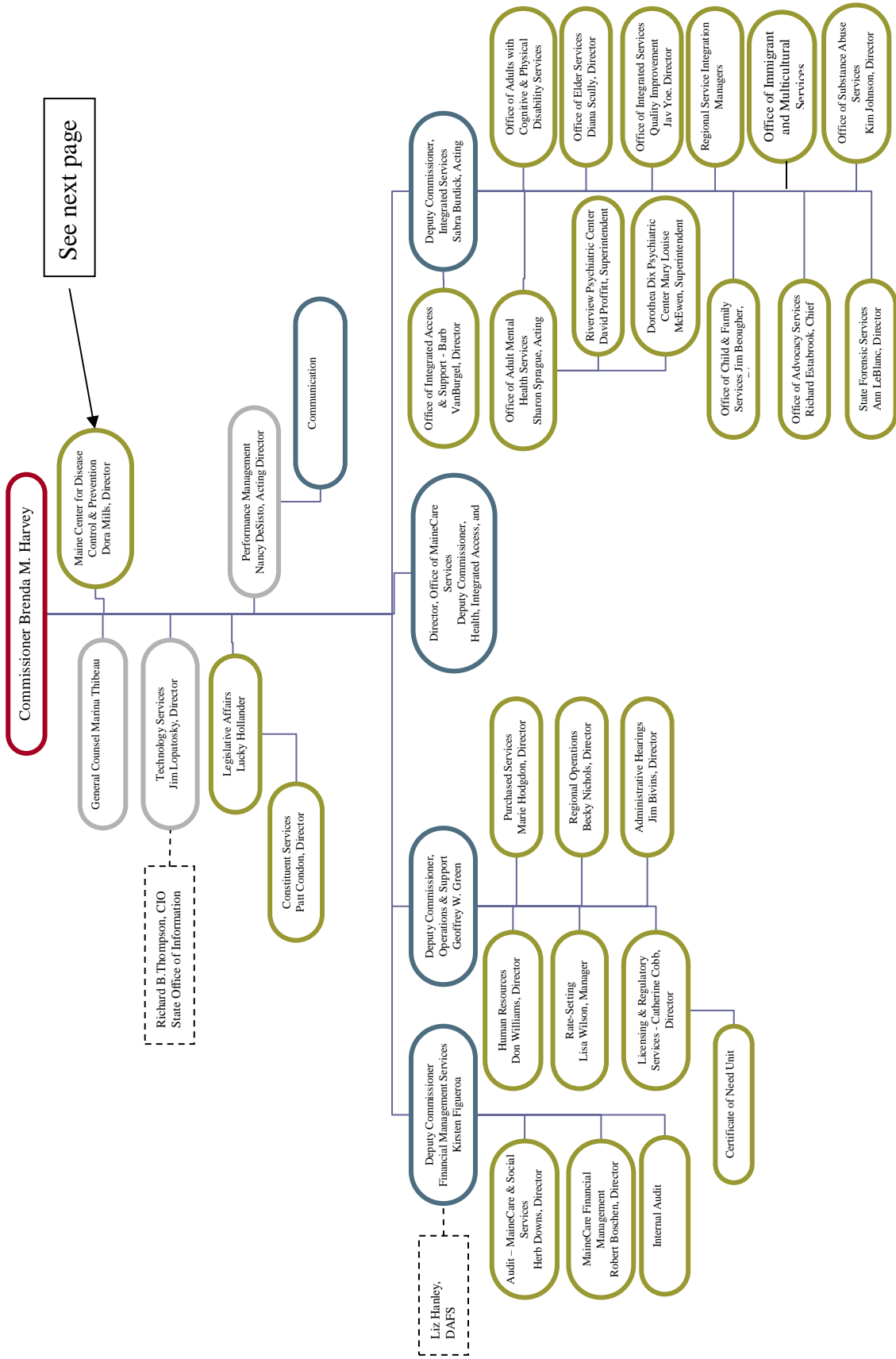
35. Please include information on the following questions in Section A, as they apply to the Uranium Recovery Program:

**Response: Our low level waste position is primarily related to the legislature of Maine. The person is specifically a staff person to the Advisory Commission on Radioactive Waste, a commission to the legislature. Though based on the technical nature of the position we hired a person that can be a support person to the Agreement State program as well. Please note that since the last review, the Maine Legislature has passed a law which removed Maine from the above mentioned compact. Maine was out of the Texas Compact in April 2004. The Advisory Commission has now sunset and been eliminated (June 30, 2006). Though they had the authority to take our staff person, they elected to leave that person with our program to continue monitoring LLW generators and also be cross-trained into the Materials program.**





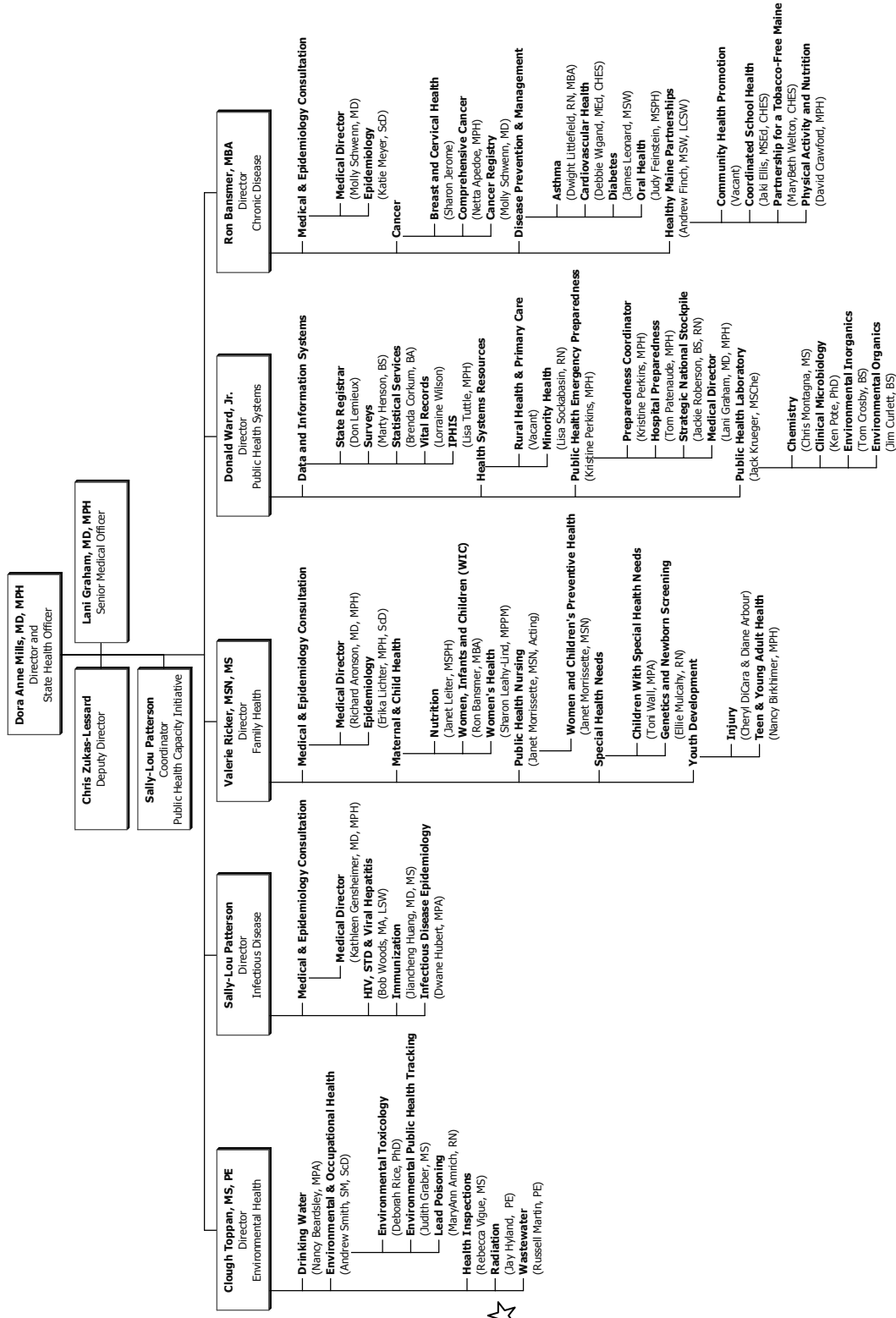
**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES**  
(next level above commissioner is the Governor)



See next page

Maine Center for Disease Control and Prevention  
(Formerly Bureau of Health)

January, 2006 – Full Version



MAINE RADIATION CONTROL PROGRAM

